



Rights as a Consumer of Health Care

You have the right to:

- Be treated by a safe and competent LVN or PT.
- Confidentiality and privacy during your care.
- File a complaint with the Board if you believe you have received substandard care by a Board licensee.
- File a complaint anonymously.
- Contact the Board with your questions or concerns, and receive a prompt, accurate and courteous response.

Mailing Lists/Newsletter

The Board maintains the following mailing lists and a newsletter to provide ongoing information:

- **Disciplinary List**
Publishes list of formal Board actions against VN and PT licenses
- **General List**
Publishes Board Meeting agendas and notices of other general meetings
- **Education and Practice Committee**
Publishes meeting agendas
- **PRN Newsletter**

To be placed on a mailing list or to receive PRN, send your request to the Board address listed on the back of the brochure.



Rights as a Licensee

You have the right to:

- Know about any complaint filed against you.
- A thorough investigation if a complaint was filed against you.
- Due process of law if formal disciplinary charges are filed against your license.
- Contact the Board with your questions or concerns, and to receive a prompt, accurate and courteous answer.



Legal Accountability Extends to the Internet

- As delivery of healthcare changes, so do job opportunities.
- Healthcare sites on the Internet seek healthcare providers to give information to consumers.
- As in other settings, LVNs and PTs working in an Internet environment are dependent practitioners and cannot provide healthcare advice on the Internet without supervision.

For further information consumers and licensees may contact:

**Board of Vocational Nursing and
Psychiatric Technicians**
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833-2945
Telephone (916) 263-7800
Fax (916) 263-7859
<http://www.bvnpt.ca.gov>

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Understanding the Disciplinary Process

Informational Series #2



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and
Psychiatric Technicians**

***“Consumer Protection...
Our Primary Mission”***



Board of Vocational Nursing and Psychiatric Technicians (BVNPT)

The BVNPT regulates the education, practice and discipline of licensed vocational nurses (LVN) and psychiatric technicians (PT). Consumer welfare is protected by ensuring that only qualified and competent persons are licensed as LVNs or PTs.

LVNs and PTs are expected to perform within the law governing their practice.



Reports of Misconduct

The Board works diligently with consumers of healthcare, the Board's licensees and other healthcare providers or organizations to identify and address problems relating to its licensees. When reports of misconduct of licensees are received, the Board investigates harmful behavior through the disciplinary process.

The Board ensures that the public is protected from unprofessional, incompetent and grossly negligent practitioners by investigating complaints filed against LVNs and PTs and taking disciplinary action.



Disciplinary Process

The following summarizes the steps leading to disciplinary action:

- The Board reviews complaints to determine jurisdiction and if the alleged action violates the law or regulations governing the licensee's practice.
- If the two conditions above are met, an investigation is initiated.
- If the investigation proves that a violation occurred, the Board determines the level of discipline warranted by the violation.
- The Board may take formal or informal disciplinary action.
- Formal action includes revocation or suspension of the license, placing the licensee on probation or denying an application for licensure.
- Informal action may include issuance of a citation and fine or notice of warning and/or requiring participation in a remediation program.
- If formal discipline is required, the case is transmitted to the Office of the Attorney General (AG) which acts as the Board's counsel.
- The AG prepares a document against the licensee or applicant, called an Accusation or Statement of Issues.
- The licensee or applicant is entitled to an Administrative Hearing.
- The Administrative Law Judge (ALJ) who presides over the hearing will propose a decision to the Board.
- The Board considers the proposed decision of the ALJ and renders its final decision.



Types of Violations

There are many types of violations for which an LVN or PT may be disciplined. Most involve unprofessional conduct which includes, but is not limited to:



Incompetence

Incompetence is the lack of possession of and the failure to exercise that degree of learning, skill, care and experience ordinarily possessed by a responsible licensee.



Gross Negligence

Gross negligence is a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensee, and which has or could have resulted in harm to the consumer.



Conviction of Serious Crime

The Board may take action against a licensee who was convicted of a crime substantially related to the qualifications, functions or duties of the licensee. In addition to taking action against licensees, the Board may deny issuing a license to a person with such a conviction in his/her background.